

SUMMARY OF PROPOSED HINGHAM HARBOR OVERLAY DISTRICT ZONING ARTICLE

I. Zoning Background:

- The Waterfront Business District was created in 1970 and included the parcels along the inner harbor extending from 3 Otis Street to Steamboat Wharf which were previously zoned Business A. The parcels from the Bathing Beach to the Town Pier were still zoned residential.
- In 1977, the Official & Open Space District was created and all Town-owned land was rezoned including all of the Town-owned land along the inner harbor.
- In 1983, the permitted height for buildings in the Waterfront Business District was decreased from 35' to 20'. The height limitation in Official & Open Space is still 35'.
- If the former Mobil Station is rezoned to Official & Open Space this year as planned, only 3 parcels will remain in the Waterfront Business District: 3 Otis Street, 26 Summer Street and 30 Summer Street. The rest is Town-owned.

II. Harbor Planning Task Force

- The Task Force is comprised of representatives of each of the Town Boards, committees and departments that have primary oversight or interest in the Harbor, namely the Board of Selectmen, Bathing Beach Trustees, Planning Board, Harbor Development Committee, Harbormaster office, and Hingham Development & Industrial Commission
- The Task Force was created by the Selectmen to foster improved communication between these groups and to identify, by mutual consensus, the status of matters affecting the inner Harbor and potential areas for improvement.

III. Initiatives Identified

- Optimization of public mooring area and update of Town Harbor bylaws and regulations – Underway and scheduled for completion by 2010 boating season
- Study the appropriateness of the zoning for the Town-owned and privately-owned parcels, including uses and dimensional requirements. This has resulted in two zoning articles:
 1. Allowing a “Farmer’s Market” as a permitted use
 2. Creation of a Harbor Overlay district that would recognize the special features of this waterfront area of the Town and allow for cohesive planning across the Waterfront Business District and the Official & Open Space District along the inner Harbor.
 3. Other identified needs: geese management; improved public access through both public and private parcels; improvements to the Bathing Beach bathhouse; better trash management; more public restroom facilities.

IV. Issues identified that may be addressed by the Hingham Harbor Overlay District

- Currently marinas are not allowed in the Official & Open Space District, so the Town is prohibited from creating Town-owned slips. Similarly situated towns, such as Scituate, Hull and others have town-owned marinas that allow for more public access and generate revenue for those communities.
- The dimensional requirements for the Waterfront Business District are such that:
 1. The parcels were thrown into non-conformity as to lot size and/or frontage requirements on the day the district was created in 1970;
 2. The height limitation at 20' is such that, if enforced, would result in unattractive, flat roofed buildings and architecture not appropriate to a New England waterfront setting. Note: The Lincoln Maritime Center building is 20' to its peak plus 9' to the cupola, but has little to no improvements inside. Because of the restrictive nature of the existing zoning, the ZBA granted 26 Summer a height variance to allow a building with a height of 26' to its peak;
 3. The yard setback requirements on 2 of the 3 parcels are so restrictive that it is highly unlikely the existing unattractive buildings would ever be replaced because there would be no usable building envelope. In addition, there is no flexibility in the side yard requirements, so buildings cannot be positioned in a way to provide the best view corridors of the Harbor.

The result is that the existing unattractive buildings will likely remain indefinitely as there is no incentive for the owners to improve them.

- To the contrary, permitted uses and dimensional requirements in the Official & Open Space district would allow the Town to build public buildings up to 35' in height.
- Due the presence of 3A, people are (and should be) discouraged from trying to cross 3A to access the Harbor area, but the current parking requirements are different in the two districts which does not allow for the potential for sharing of parking between the public and private parcels.
- There are currently no requirements in the zoning that promote public access through public walkways or boardwalks connecting the public and private parcels along the water.
- Many currently permitted uses on the Town parcels only require a Special Permit A1 which means that intense uses may be able to avoid site plan review which would ensure proper layout, parking and traffic circulation on these parcels.
- Potential issues with architecture/design of future buildings.

V. How the Overlay District would address the issues identified above:

- Town-owned parcels would have the following use changes:
 1. Permitted Town premises and buildings would be modified to require that they are related to the waterfront nature of the property – “water dependent uses”, including the potential creation of marina slips by the Town in addition to the public mooring field
 2. The only accessory uses on the Town’s parcels would be
 - (a) offices for the harbormaster, public safety, lifeguards and marina operations
 - (b) snack stand
 - (c) public restrooms/bathhouse
 3. Special Permit A2 would be required for all buildings and intense uses, such as the sailing club
- Dimensional requirements would be modified as follows:
 1. Existing parcels would be deemed conforming as to lot size and frontage, provided they were not reduced in size.
 2. Height for buildings on all parcels would be limited to 20’ wall height with an additional 8’ to the peak (total height of 28’).
 3. Yard requirements for the Waterfront Business District parcels would be modified to be “sliding”, allowing positioning of buildings in best location on site for parking and view corridors.
 4. Special requirements would be added to provide for public walkways or boardwalks along the water.
- Parking across abutting parcels would be allowed for parcels in both districts. [Right now that is only allowed for Official & Open Space parcels]
- A design review process would supplement the current site plan criteria to insure that new buildings are appropriate to the waterfront setting.

VI. **Frequently Asked Questions:**

- *Will the Overlay District allow stores, restaurants and other commercial uses to be built on the Town-owned parcels?*

No. Only water-dependent uses, such as the public mooring field, town-owned slips, parks and public walkways will be allowed primary uses. The only allowed accessory uses will be harbormaster, public safety, life guard and marina offices, public restrooms and a walk-up snack bar.

- *Will the Overlay District allow buildings to be built on the Mobil Station parcel, which was purchased with Community Preservation Funds?*

No. The only uses that will be allowed will be governed by a Conservation Restriction that will be entered into between the Town and the Hingham Public Land Trust, which has been selected by the Selectmen to hold the open space restriction on that parcel. What is allowed on parcels subject to conservation restrictions is governed by Massachusetts law.

- *Will any of the changes affect the waterfront beach, boating and park character of the other Town-owned parcels on the Harbor?*

No. The Town's premises will be for water-dependent uses such as beach, boating, walking paths and parks. The bathing beach already has a bathhouse, which already includes outdated space for life guards and bath facilities. If updated in the future, the only change of use the Overlay District might allow is a snack stand. In addition, there is a small harbormaster "shed" near the Town pier. Under existing zoning, the Town could improve that to a larger building up to 35' high. The overlay district would lower the allowed height of any new buildings on Town land. Any other buildings at the Harbor would have to be directly accessory to a water-dependent use.

- *Will the changes violate any state requirements regarding parkland or other state or local laws or regulations?*

No. The proposed changes are consistent with the existing uses of the land governed by any state requirements that apply to the Town-owned parcels. In addition, just like in all other areas of Town, zoning does not have the final say on what happens on a parcel of land. All other applicable regulations, such as DEP, Conservation Commission, Board of Health regulations, will continue to apply to all of the parcels on the Harbor.

- *One of the stated goals of the Overlay District is to create a connection between the Downtown and the Harbor. If the planned improvements to Route 3A are delayed or do not occur, how will this goal be accomplished?*

At this time, there is a cross-walk across Route 3A at the intersection of North Street and Route 3A that allows pedestrian access. If the Harbor becomes more attractive to Downtown visitors and to visitors by boat, this will continue to be the primary connection. The Board of Selectmen has been told that the Route 3A improvements are on a list of state-planned projects. While the timing is unclear at this point, creating more opportunities for public enjoyment of the Harbor parcels still makes sense now as they will not happen overnight and the connection between these two important areas of Town should be encouraged.

- *Will the changes in the dimensional requirements for the privately-owned parcels encourage larger buildings that will block or take away from the views of the Harbor?*

No. The proposed changes will give the permitting boards the flexibility to allow the owners of the privately-owned parcels to locate any new buildings on their parcels in a way that preserves view corridors. It also allows for better design of any proposed building by allowing a peaked, rather than flat, roof and eliminates the need for the ZBA to grant height variances to address the over-restrictive existing requirements of the bylaw. Due to the stringent requirements of the existing zoning, if these changes are not made, it is unlikely that the existing unattractive buildings, particularly at 30 Summer Street, will ever be improved.

- *Will the proposed changes worsen the parking situation at the Harbor?*

No. Based on a parking study done in 2008, the Town has a surplus of parking when all Town parking areas are accounted for. The changes will allow for more shared parking in order to discourage pedestrians crossing Route 3A in dangerous locations and for the more efficient use of parking at the Harbor.